

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 10 and 17 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 6-8, 10-12 and 14-22 remain pending in this application.

Claims 1, 2, 6-8, 10-12, 14-17 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,925,299 to Sofer et al. (hereinafter “Sofer”) in view of U.S. Patent No. 6,078,820 to Wells et al. (hereinafter “Wells”). Applicant respectfully traverses this rejection for at least the following reasons.

As noted in an earlier amendment, embodiments of the present invention relate to systems and methods for complete message delivery to a communication device. In some embodiments, a message notification is parsed to determine a set of parameters pertaining to the complete message. That set of parameters is compared to an established set of criteria for retrieving complete messages. If the set of parameters satisfies the established set of criteria, the complete message is downloaded. Thus, for example, before a complete message is sent, the set of parameters can be used to determine whether or not the second communication network is capable of, or is preferably configured, to efficiently receive and transmit the complete message to a user. Applicant has amended each of independent claims 1, 10 and 17 to more clearly recite this feature of the claimed invention.

As acknowledged by the Examiner, “Sofer does not disclose parsing the message notification and comparing a set of parameters.” Office Action dated August 8, 2006, Page 3, lines 5-6. The Office Action relies on Wells as disclosing these features of the pending claims. Applicant respectfully disagrees with the Examiner’s interpretation of the disclosure of Wells.

Wells fails to cure this deficiency of Sofer. There is no teaching or suggestion in either Sofer or Wells for downloading the complete message based on a comparison of a set of parameters to any criteria. While Sofer teaches or suggests no parsing or comparing whatsoever, Wells merely discloses parsing after the complete message has been received by the wireless mobile device. Thus, any comparison would be done after downloading of the complete message. Specifically, Wells discloses that messages are received by a wireless mobile device, which then determines whether the SMS message has a first transfer format or a second transfer format. Based on the transfer format, the message is either processed normally or is parsed to locate an application identifier. The filtering or parsing is not used to determine whether the complete message should be retrieved. Thus, Wells also fails to teach or suggest the above-noted feature of the claimed invention.

In order to establish a *prima facie* case of obviousness, “... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See M.P.E.P. § 2142, ¶1 (emphasis added). Since neither Sofer nor Wells teaches or suggests at least the above-noted feature of claims 1, 10 and 17, the Office Action fails to establish a *prima facie* case of obviousness.

Thus, claims 1, 10 and 17 are patentable. Claims 2 and 6-8 depend from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 11, 12 and 14-16 depend from allowable claim 10, and claims 19-22 depend from allowable claim 17. Therefore, claims 11, 12, 14-16 and 19-22 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wells and further in view of U.S. Patent Publication No. 2003/0061503 to Katz et al. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wells and further in view of U.S. Patent Publication No. 2005/0048958 to Mousseau et al. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wells and further in view of U.S. Patent No. 6,625,461 to Bertacchi. Applicant respectfully traverses this rejection for at least the following reasons.

Claims 3 and 4 depend from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claim 18 depends from allowable claim 17 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely

acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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